

Kresta Nora Daly, SBN 199689
BARTH DALY LLP
PO Box F
Winters, California 95694
Telephone: (916) 440-8600
Facsimile: (916) 440-9610
Email: kdaly@barth-daly.com

Attorney for Defendant
Brent Hooton

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENT HOOTON,

Defendant.

Case No. 2:21-CR-00105-DAD

**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE**

Judge: Honorable Dale A. Drozd.

STIPULATION

1. By previous order this case was set for status conference on October 25, 2022.

2. By this stipulation, the defendant asks to move the status conference until January 10, 2023. The defendant asks to keep the February 14, 2023, trial status conference on calendar and to exclude time between October 25, 2022, and March 20, 2023, [the trial date] under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

(a) Defense counsel was recently appointed and requires time to meet with Mr. Hooton and obtain and review the discovery.

(b) Defense counsel has yet to receive the file from prior counsel. Prior counsel has been cooperative, however, prior counsel missed 1-2 weeks of work due to Covid and subsequently was out of the office for previously scheduled time away from work. Defense

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counsel believes prior counsel will return to work the week of October 24, 2022.

(c) Counsel for defendant believes failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

(d) The government does not object to the continuance.

(e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

(f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of October 25, 2022 through March 20, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

Dated: October 21, 2022.

Respectfully submitted,

By /s/ Kresta Daly for
AUDREY HEMESATH
ASSISTANT UNITED STATES ATTORNEY

Dated: October 21, 2022.

By /s/ Kresta Daly
Kresta Daly
Attorney for Brent Hooton

ORDER

GOOD CAUSE APPEARING upon the stipulation of the parties it is ordered:

The status conference of October 25, 2022, is vacated. A status conference is set for January 10, 2023, at 9:30 a.m. The trial confirmation hearing previously set for February 14, 2023, at 9:30 a.m. and trial set for March 20, 2023 remain unchanged. The Court finds excludable time through March 23, 2023, under Title 18, United States Code Section 3161(h)(7)(B)(iv) and Local Code T4 to allow for preparation of counsel. The Court finds that the interests of justice are best served by granting the request and outweigh the interests of the public and the defendant in a speedy trial. (18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv).)

IT IS SO ORDERED.

Dated: October 24, 2022


UNITED STATES DISTRICT JUDGE